

MILFORD PLANNING BOARD PUBLIC HEARING
September 18, 2012 Board of Selectmen's Meeting Room, 6:30 PM

Present:

Members:

Janet Langdell, Chairperson
Tom Sloan, Vice-Chairman
Paul Amato
Kathy Bauer
Chris Beer
Steve Duncanson
Malia Ohlson, Alternate member

Staff:

Jodie Levandowski, Town Planner
Shirley Wilson, Recording Secretary
Dan Finan, Videographer

Excused:

Judy Plant

Susan Robinson, Alternate member

PRESENTATION:

1. **2012 Distinguished Site Award.**
2. **Town of Milford – 66 Elm St – Map 25, Lot 125.** Proposed Ambulance Facility plans.

MINUTES:

3. Approval of minutes from the 08/21/12 meeting.

OLD BUSINESS:

4. **Walter Seigny – Elm St – Map 25, Lot 11;** Amendment to a previously approved site plan to allow for the storage of no more than six (6) recreational vehicles. *(Tabled from 8/21/12)*
5. **Park Meadow, LLC / Airmar Technology Corporation – Meadowbrook Dr – Map 7, Lot 31.** Extension request for an approved site plan. Request to withdraw received *(Tabled from 8/21/12)*
Withdrawal request submitted.
6. **Ashwood Development, LLC/Whiting Hill Realty Trust – Falcon Ridge Development – Maple St & Falcon Ridge Rd – Map 3, Lots 5 through 5-45.** Request for an amendment to the Falcon Ridge Development Agreement. *(Tabled from 8/21/12)*

NEW BUSINESS:

7. **Valerie E. McLeod & Joan M Tierney – North River Rd – Map 3, Lot 9;** Public Hearing for a minor subdivision creating one new residential lot and a request for a waiver from the Milford Development Regulations Article V, Section 5.06, Submittal requirements. *(Meridian Land Services, Inc.)*
8. **Dudley Family Trust / Professional Offices at 388 Nashua St - Nashua St – Map 31, Lot 12;** Public Hearing for a minor site plan for a change of use from residential to office in the Residence “A” District.
(Kim & Steve Roberge)

OTHER BUSINESS:

9. **Park Meadow, LLC / Airmar Technology Corporation – Meadowbrook Dr – Map 7, Lot 31.** Waiver request from the Milford Development Regulations, Article IV, Section 4.07 Site Plan Extension and Expiration of Approval. *(In reference to SPA# 2009-01)*

Chairperson Langdell called the meeting to order at 6:30PM, introduced the Board and staff, explained the process for the public hearing and read the agenda.

PRESENTATION:

2012 Distinguished Site Award.

Chairperson Langdell gave a brief history of the award and explained that the Board wanted to recognize businesses with thoughtful site design elements who contributed to the vibrancy of the local business community. She acknowledged past winners, Ciardelli Fuel and Milford Veterinary Hospital, and listed the past nominees.

This year there were several nominations; JP Pest Services, United Auto Body, and Merrill's Convenience Center and French House at 80 South St, whom the 2012 Award goes to for doing a phenomenal job with the design and site layout. It is gorgeous and we are very pleased to present this award to Bob Grunbeck of Grunbeck Enterprises. The French House is an historic property that needed a little TLC. Bob and his partner David Hall rejuvenated the building and site to accommodate twelve (12) professional offices with an affordable price point for growing businesses, so not only do we have a wonderful contribution to the aesthetics in town but also to economic development.

Bob Grunbeck thanked everyone on behalf of Grunbeck Enterprises and recognized Meridian Land Services, Inc. He also thanked the Planning Board, Bill McKinney and the Building Department, for their help and assistance with this project.

Town of Milford – 66 Elm St – Map 25, Lot 125. Proposed Ambulance Facility plans.

J. Langdell recused herself as she is on the Board of Directors for SHARE Outreach, a direct abutter.

Vice Chairman Sloan recognized:

Steve Sareault, Vice-chairman of the Building Committee

Greg White, Milford Ambulance and Building Committee

Bob Duval, T. F. Moran

T. Sloan read the staff comments dated 9/18/12.

S. Sareault began by stating that the town is not subject to its own rules and as much as we can debate that, it is not necessarily our point. There are several areas of conflict with our zoning ordinance and site plan regulations. We come to the table in the spirit of trying to meet as many of the Town's land use requirements and to construct a building to meet a fairly critical need. That being said, throughout the design process, we have discussed two critical items. Trying to stay consistent with what voters approved which drives a lot of the physical presence of the building, and trying to maintain the character which also drove the Facilities Committee when they chose this site.

We moved the building forward and parking to the rear. Neither of the direct abutters' buildings meets the front setback requirements; the auto parts store is 14ft off the ROW and the apt/office building to the east is 20ft off. There are also many other buildings across the street that are all within the setbacks, and even closer to the ROW. This proposed building sits at 15ft from the ROW.

The proposed plan was circulated to town staff and we have a variety of comments that we will try to come to resolution on, as part of the normal process. One of the comments was to switch the site around but we feel that parking in front would be more detrimental, visually. To the east, we are within 5ft of the setback line and Mark Fougere has been in very close communication with the abutter to obtain an easement for site work on their property. We have a positive relationship and we will provide plantings along the property line as well as on their property for screening.

The open space is less than 30%. Columbus Ave is a private road and the Town has worked with the owner to get an access easement. SHARE Outreach, which also has an access easement, the auto parts store who is the owner of the road and the Town are all in agreement. The plan is to re-pave Columbus Ave and to do some drainage work in the center. The committee has been trying to deal with how emergency traffic will be leaving the site,

which will be our strongest generator of traffic. The plan is to have preemption on the signal at West and Elm Streets. This would turn all lights red except for westbound Elm St. The ambulances will have a stop condition when they enter onto Elm St but this would have the least amount of conflicts for westbound traffic and leave more room to for an ambulance turning west. It doesn't fully control the right turns on red, but Eric feels that this is a workable solution, given the size of the ambulance and the bells and whistles that come with them. The BOS has discussed this facility and are willing to accept this building in that it doesn't meet our own regulations.

B. Duval presented the details of the project situated on the 21,000SF lot. Three (3) parties, the ambulance facility, SHARE Outreach and Robbins Auto will share access to Columbus Ave from Elm St. The existing driveway on Elm St will be removed and essentially this building will have a pleasing appearance with the proposed plantings.

S. Sareault said the existing tree may not be able to be saved due to root disturbance, the trimming for both PSNH and building construction and the current building location, so the best approach would be to take it at the outset and plant two new trees to give some balance.

B. Duval described the proposed plantings. He also described the drainage saying that the soils are very suitable for infiltration. We intend to take advantage of the fast sands and gravels to reduce post construction stormwater flow through an infiltration system and we will add new catch basins for drainage during the Columbus Ave reconstruction. To answer one DPW comment about why are we putting the catch basins in the middle of the street, this is a very flat site and we didn't want to raise the building or change the grade of the street. This is essentially a low volume private way that basically serves access and parking needs; there's not much traffic. The stray oils will be collected in standard catch basins with sumps and hoods before it leaves the site and pipes that will connect to the closed system in the street will only be for larger storms and overflow. We also submitted a stormwater management plan to staff before going to final construction plans so that we could get input from this Board.

S. Sareault added that the building is very similar to what was presented to the voters, noting that the gable end was added over the ambulance bays to primarily keep the rain water from splashing down on the doors and creating ice problems in winter. It is a balance that we are trying to strike but we have kept true to the intent of the style, building materials and the area. Final details are pending.

Vice-chairman Sloan opened the presentation to Board questions.

K. Bauer inquired about snow storage. S. Sareault replied that we will have to remove it from the site as we are fairly constrained. There is a public training room in the facility and we anticipate pushing the snow aside and stacking it until DPW could coordinate with Eric should there be an event. There is not much room with the transformer and proposed generator. We are also not showing a dumpster on the plan. There is an internal room for trash accommodations until collected and taken away by DPW. K. Bauer asked if the construction would still be concrete forms. S. Sareault said the plan is to still use the insulated concrete forms and we are delaying our start to good weather. The former building is already down and we can get a quick start in spring. The anticipated timeframe will be six months, so if we start on April 1st we'll be done October 1st. We're working very hard to keep this within the allotted budget and one of the reasons for the delay was not to work with the insulated forms in winter. We are expecting the first round of budgeting from our construction manager, Eckman Construction, within the next week or two and the intent of the committee is to aggressively pursue this. We anticipate sending this out to bid in December or January so that we get the best pricing and our construction manager will also do a local open house for vendors and subcontractors who would be interested.

P. Amato said the front placement of the building fits with the neighborhood but if you're going to ignore the setbacks, why not move the building further east and give yourselves more room to pull the ambulance out onto Columbus Ave. S. Sareault said we've looked at the turning radiuses and the new ambulances should fit within the private way easement. It's tight, but the first bay is for the paramedic response vehicle which is a smaller vehicle and there will be additional swing space in bays two through four. We don't want to move the building further east because we don't want the roof water to drain on the abutter's property. We're also trying to keep all of the structure within our property. P. Amato said that was one reason for requiring 30% open space. You'd

have room for the water to go, but not when you are down to 19% open space. S. Sareault said there will be an infiltration system there put in along the back that will connect into the catch basins. P. Amato inquired when it would flow to the street. B. Duvall said the calculations were not finalized yet, but we're going to maximize infiltration and post runoff will be less than pre-construction. P. Amato asked if the runoff would be less with paving and putting that much hard surface on the site. B. Duvall said yes, we'll be taking advantage of a fast infiltration rate there for treatment purposes as well as pre versus post matching. S. Sareault added that they did geotechnical and infiltration testing and the rough numbers showed that the soils can received up to 90" per hour, so we're confident they can take the water. There were a lot of comments from staff about stormwater management and we will work those out to meet the stormwater requirements.

Vice-Chairman Sloan opened the discussion to the public.

J. Langdell inquired about the width of Columbus Ave at the intersection with Elm St and if that was modified in this plan. B. Duval responded that the existing width is quite narrow, maybe twenty (20') ft or less at Elm St because of the sign; however, the easement is twenty-five (25') ft and we will open it up to that full width. J. Langdell said there are currently concerns that there is not enough room for two cars exiting and entering.

Vice-chairman Sloan closed the public portion of the meeting.

P. Amato inquired about the concrete pad in the back. S. Sareault said that area is envisioned for staff to BBQ and we're hoping to use some of the salvaged materials from the Harvey's Music building. P. Amato asked if SHARE Outreach had been approached to see if any of their parking could be utilized. You could remove some of the parking and potentially provide more green space. S. Sareault said they are aware that SHARE Outreach loans a certain portion of the parking to the nursing home, but we haven't formally talked to them regarding this matter. It is a valid idea and he can certainly take this to the building committee. J. Langdell confirmed that there is a contract with the nursing home for parking. There has been some past discussion with the Town, but she would encourage this committee to bring it to the SHARE Outreach Board of Directors. K. Bauer said she felt the parking should not be reduced because if you have something going on in the community room with ambulance staff there, that lot is going to fill up quickly and it would be nice to know that overflow could go on the SHARE Outreach property. Also, you've got to look to the future. No one knows what the future might hold for the SHARE Outreach property and this facility will be there for a long time. It outgrew the Town Hall many years ago and you will need those eighteen (18) spaces. S. Sareault said the committee will discuss this further.

T. Sloan inquired about the shrubbery on the southeast portion of the lot. S. Sareault said it was existing and there has been some discussion as to the best approach to deal with that. We will work collectively with SHARE Outreach. T. Sloan said it sounds like Mark had worked diligently with the property owners on the east and the west but that there has not been much communication with SHARE Outreach to the south. It would seem that you might be able to incorporate some efficiencies in that overgrown area to facilitate some access way to the potential parking. T. Sloan inquired if any thought had been given to incorporating some of the leftover granite from the old school into this project. S. Sareault responded that there has been some thought. He said he also served on the police station building committee and explained that we went to great expense to incorporate some in the building which was probably more appropriate because it had more of a community attachment. If we do use that granite, we see using more of the irregular pieces that are stored at DPW for landscaping type features and accents. The architectural style of this building doesn't lend itself to easy incorporation. T. Sloan brought up the trees and noted that a sugar maple might be more desirable than a red maple. B. Duvall stated that the red maple was more salt tolerant and there is a survivability issue for an exposed location. A brief discussion ensued.

J. Langdell said she wanted to make sure the Board doesn't think there is active discussion about the parking currently.

T. Sloan stated that it has been requested for the Planning Board to voice their opinion on this project; however, there are still a number of unresolved issues. There will probably be no resolution to the setbacks, but the committee has shown sensitivity to the abutting properties. This is a small site and the committee is trying to maximize the town's dollars and work within the constraints of this parcel. Overall, the general plan is appropriate. B. Duvall stated that, other than the setbacks and moving the bays, it is the committee's intention to

meet or accomplish all the staff requests. S. Sareault added that they will seek resolution to all staff comments and he would hope to not have to come back before the Board. He would like to suggest that the final plans could be reviewed through Planning Staff.

K. Bauer said she feels really good about this but would like answers to some of the questions and has concern with decreasing the number of parking spaces. P. Amato disagreed saying that he understands the town doesn't have to meet its own regulations, but in the past the town has done everything it could to do so. If you can accommodate parking within ten (10') ft of the proposed spaces on this very small site, why not. We have many people come in that want to do more than what their site allows, and they have to live with our zoning. It's hard to sit here, for as many years as I have, and just ignore the fact that you're building way too big a building for the size of the site, as it is, according to our zoning when we have applicants coming up later in the meeting with expired plans because they took longer than the allowed time, that are creating jobs and paying taxes in town so that we can build this. I don't want to take that lightly and if there is a way you can do this and accomplish what Kathy is looking for and increase the green space, then we should at least look at those things. S. Sareault reiterated that, as a whole, there is a balance we have to strike. The fact that the town is not subject to its own regulations is a philosophical problem, but it is a fact. Obviously, the setbacks aren't going to change. If we can't afford this conflict, then we probably can't afford this building on this lot. We would have to go to a two-story with elevator; it would be a different project and we are back to the drawing board. Things like plants and a walkway between this site and SHARE Outreach and how to handle that berm could be dealt with. K. Bauer gave a history of this project and stated that the facilities committee looked at many, many locations that had to be within a specific response time. We looked at every possible location, some that weren't yet for sale and some that didn't work out. The first choice was a large parcel on Cottage St but environmental issues were found and it didn't work out. This was the second choice and yes it is a small lot, but remember the ambulance staff have been waiting for a facility that meets their needs and is up to code. This is the site we have and we're lucky to be as close to the center of town as we are. It is easy for me to see why we can waive the setback requirements for this emergency facility; I don't see any choice.

T. Sloan requested that staff submit the final plan to this Board after all resolutions have been worked out and thanked the committee for the presentation.

MINUTES:

K. Bauer made a motion to approve the minutes from the 8/21/12 meeting. C. Beer seconded and all in favor.

OLD BUSINESS:

Walter Sevigny – Elm St – Map 25, Lot 11; Amendment to a previously approved site plan to allow for the storage of no more than six (6) recreational vehicles. *(Tabled from 8/21/12)*

No abutters were present.

Chairman Langdell recognized Walter Sevigny, owner of 51 Elm St.

W. Sevigny gave a history of his property and presented a plan dated 7/26/12. The reason he is before the Board was that in 1992 he hired a contractor to level the steep areas in the rear portion of his lot who was unfortunately a better landscaper than being knowledgeable with the town's regulations. He was supposed to have taken care of everything with the town, but apparently there was some conflict with his proposal and he didn't. Recently, there was a complaint reported that he had been parking boats on his property, which he had been doing for many years. Now he is just trying to get things straightened out so that they are in compliance with the Town's regulations and the Planning Board's recommendations.

J. Langdell inquired if the proposed boats and vehicles to be stored were his personal vehicles or if they belonged to someone else. W. Sevigny replied that he purchased all, including the one boat trailer that was sold last summer. Now there are four (4) boats and a storage vehicle that looks like a travel trailer. It was the camper from the back of his old pickup truck that he no longer has. There are two (2) storage buildings on the lot; a garden building and the camper. J. Langdell asked if these would be rental spaces. W. Sevigny replied no.

W. Sevigny said that he has two (2) tenants that have one (1) parking space per tenant and if the chiropractor office is using all their spaces, there is no place for overflow parking or guests especially in the winter without the parking on Elm St. He would like to be able to have guest parking or overnight parking in the storage area as well but there would be no more than six (6) spots. He is getting to the age where he isn't able to do the boat work that he used to do as a hobby and he would like to get these boats ready to sell and not replace them. He would like to have open land back there or just guest parking. J. Langdell said the original application requested parking for six (6) recreational vehicles; would the additional parking be included?

Chairperson Langdell opened the hearing to the public; there being no comment, the public portion of the meeting was closed.

J. Langdell then reviewed the interdepartmental comments. J. Levandowski clarified that the retaining wall mentioned by the Building Inspector was only waist high and no permits would be needed.

P. Amato made a motion to grant approval subject to the condition listed in staff recommendations. T. Sloan seconded for discussion. J. Langdell inquired if note recommended by staff would meet the request of temporary parking of overnight guests. T. Sloan asked if the parking would be temporary. W. Sevigny said yes, typically in the winter they can't park on the street so this would offer a place to park. T. Sloan said the plan detailed three (3) parking lanes for six (6) recreational vehicles and the note could be changed to include temporary overnight parking not to exceed six vehicles and offer more flexibility. J. Langdell explained that the six (6) spots could be used for recreational vehicles or guests. W. Sevigny said that would meet his needs. P. Amato amended the motion to reflect the inclusion of temporary tenant and guest parking. T. Sloan seconded and all in favor.

Park Meadow, LLC / Airmar Technology Corporation – Meadowbrook Dr – Map 7, Lot 31. Extension request for an approved site plan. Request to withdraw received.
No abutters were present.

J. Langdell noted that this item had been tabled from 8/21/12 and since that time, the applicant has submitted a letter dated 9/5/12, asking to withdraw the request.

T. Sloan made a motion to accept the withdrawal. P. Amato seconded and all in favor.

Park Meadow, LLC / Airmar Technology Corporation – Meadowbrook Dr – Map 7, Lot 31. Waiver request from the Milford Development Regulations, Article IV, Section 4.07 Site Plan Extension and Expiration of Approval. *(In reference to SPA# 2009-01)*
No abutters were present.

Chairperson Langdell recognized:
Steve Christensen; Airmar Technology, Inc,
Matt Boucher; Park Meadow, Inc.
Kent Worden; Arenco, Inc.

T. Sloan made a motion to accept the application. S. Duncanson seconded and all in favor. S. Wilson read the abutters list into the record.

M. Boucher referenced the waiver request letter dated 8/28/12 and said the project which was approved in 2009, was put on hold due to economic uncertainties but as of late there has been record growth and their sales are back to pre-recession levels, so there is a very good chance that they will start construction this fall.

T. Sloan inquired why they were asking for a nine (9) month extension. M. Boucher replied that construction would take more than six (6) months due to winter conditions and they are giving themselves two building opportunities; either start the site work before winter or wait until the ground thaws the spring. T. Sloan clarified that active and substantial work would have to be completed within nine (9) months.

Chairperson Langdell opened the hearing to the public; there being no comment, the public portion was closed.

P. Amato made a motion to grant the waiver allowing a nine (9) month extension. T. Sloan seconded for discussion. It was noted that the nine months would be from the expiration of 7/20/12. All voted in favor.

Ashwood Development, LLC/Whiting Hill Realty Trust – Falcon Ridge Development – Maple St & Falcon Ridge Rd – Map 3, Lots 5 through 5-45. Request for an amendment to the Falcon Ridge Development Agreement. (*Tabled from 8/21/12*)

Chairperson Langdell recognized:
Carl Kasierski, Ashwood Development/Whiting Hill Realty LLC

C. Kasierski explained that the original amendment to the Falcon Ridge Development Agreement was presented and approved by the Board in June, 2012. The document was prepared and they got consent from MaRick Land Development, but not from Falcon Ridge LLC, so they came back to the Board in August, 2012 to remove that reference and signature. He stated that Whiting Hill Realty, LLC is willing to provide the additional security required for the remaining improvements. Falcon Ridge, LLC is only involved with Phase III of the project and not with the current bonding. He referenced the Revised Resolution document dated 9/18/12 and said we have reviewed the agreement and are fine with it.

J. Langdell noted that one of the reasons this was tabled from the last meeting was that the Board hadn't seen the actual revised document.

Chairperson Langdell opened the hearing to the public; there being no comment, the public portion was closed.

P. Amato asked why Whiting Hill Realty was willing to do the improvements when they did not own any of the lots. C. Kasierski replied that they were obligated through existing bonds to complete the improvements secured by those bonds and we hope to be back in there building on some of those lots. P. Amato said the original agreement allows two years from the end of October for Phase I completion and three years for Phase II. We spent a lot of time and money on this, our first development agreement, and nobody expected the economy to get as bad as it did. That said, the town assumed that certain off-site improvements would be done in a timely manner. Do you see any reason why they couldn't be completed within the next two years? C. Kasierski said most of the off-site work has been done and there is no reason why it can't be done in two years; there is not that more to do. P. Amato asked even if no more lots sold. C. Kasierski said he'd have to reconsider that.

J. Langdell read the revised section of the Resolution into the record. C. Kasierski added that he would coordinate the additional bonding with Jodie.

T. Sloan made a motion to grant approval of the Revised Resolution dated 9/18/12 that outlines the appropriate and necessary amendments to the Falcon Ridge Development agreement to insure successful completion of the on-site and off-site improvements for Phases I and II. S. Duncanson seconded and all in favor.

NEW BUSINESS:

Valerie E. McLeod & Joan M Tierney – North River Rd – Map 3, Lot 9; Public Hearing for a minor subdivision creating one new residential lot and a request for a waiver from the Milford Development Regulations Article V, Section 5.06, Submittal requirements.

No abutters were present.

Chairperson Langdell recognized:
Mike Hammer, Meridian Land Services, Inc.
Valerie McLeod and Joan Tierney, Owners
Richard and Kristine Mossey, Applicants

J. Langdell asked if the application was complete. J. Levandowski replied yes. C. Beer made a motion to accept the application. T. Sloan seconded and all in favor. T. Sloan made a motion that this application did not present potential regional impact. C. Beer seconded and all in favor. S. Wilson read the abutters into the record.

M. Hammer presented the plan dated 9/11/12 and explained that the sole purpose was subdivide off a two (2) acre piece of land with the existing farmhouse to complete a family transaction. There are no further plans to develop the active orchard. The existing garage on the large parcel will remain as it supports the orchard. We have submitted for state subdivision approval, redesigned a replacement septic system although the existing system is still in working order and will have to record a well release as part of the state approval process. A waiver has also been requested from surveying the balance of the 153 acre parcel as it is an unrealistic cost for the owners without any other plans for that land and no change of use proposed.

P. Amato brought up the comment from the Heritage Commission regarding the Indian Burial Grounds. M. Hammer said that this subdivision would not trip any threshold for archeological review. J. Langdell said it was good that this was brought forward because it serves as a good reminder about areas in town that may have a greater historical significance.

Chairperson Langdell opened discussion to the public; there being none, the public hearing was closed.

J. Langdell read the staff recommendations from the Memo dated 9/18/12.

M. Hammer noted that the unidentified structure was actually a cesspool cover for the septic tank and would be noted on the final plan. He referenced note #13 and requested that the subdivision be approved and signed without the state subdivision number as this would create an additional delay for the applicants who are hoping to settle this family matter. There has already been a delay due to the required well release documentation and it might be thirty or more days to get approval. A test pit has been done and the existing septic is passing so it doesn't need to be replaced.

J. Langdell stated the Board does not normally allow that but the family wants to complete everything within the week.

P. Amato said since there is already a functioning system and the new design would be for the potential failure of the system at a later date, this is a relatively minor technicality and they could submit an amended plan when approved. M. Hammer explained that they could do that but the deed will be conveyed on whatever iteration is signed and the new plan would not be called. A septic system with a cesspool that gets pumped isn't likely to fail and the design is only good for four (4) years and we don't anticipate failure. It is a formality to satisfy requirements. J. Langdell suggested that as there is an operating system and due to the time constraints, the applicant could provide a letter or documentation of the approval to staff. K. Bauer agreed that it would be good to have something in writing. T. Sloan added that the rules presume that a new system is going to be installed and don't take existing systems into consideration.

T. Sloan ended a brief discussion on the waiver request saying that the two (2) acres have been surveyed and the remaining boundaries have been called out in other surveys, so justice has been done in that the applicant does not have to expend more cost when the use will not be changing.

T. Sloan made a motion grant approval for the waiver from Development Regulations Section 5.06. P. Amato seconded and all in favor.

T. Sloan made a motion approve the application subject to staff recommendations from the Memo dated 9/18/12 and that the applicant submit a letter or a copy of state subdivision approval to staff when obtained. P. Amato seconded for discussion. S. Duncanson inquired if there was a time limit on receipt of state approval. M. Hammer said NH DES is in the driver's seat and explained the delays causing documentation to be resubmitted, so they anticipate approval within forty-five or so days. J. Langdell said she did not feel a timeframe was necessary; a longstanding family in town will give us the paperwork we're requesting and staff can keep on top of it. Chairperson Langdell called for a vote; all in favor.

Dudley Family Trust / Professional Offices at 388 Nashua St - Nashua St – Map 31, Lot 12; Public Hearing for a minor site plan for a change of use from residential to office in the Residence "A" District.

Abutters present:

Judy Cole-Bower, Nashua St

Chairperson Langdell recognized:

Steve and Kim Roberge, owners

J. Langdell asked if the application was complete. J. Levandowski replied yes. C. Beer made a motion to accept the application. S. Duncanson seconded and all in favor. C. Beer made a motion that this application did not pose potential regional impact. S. Duncanson seconded and all in favor. S. Wilson read the abutters into the record.

J. Langdell noted that this property is also known at the Dutton House. She also stated that we are prefacing this discussion knowing that the applicant is going to the Zoning Board on Thursday for two special exceptions; one for the actual use and one to add the handicapped ramp to a non-conforming structure.

K. Roberge distributed revised plans dated 8/7/12 and explained that they are seeking a change of use, going from residential to the proposed office in the Residence A District in accordance with Sections 5.02.2 and 10.02.7 of the Milford Zoning Ordinance. This property also falls in the Nashua and Elm Street Corridor District and we think this will be a beautiful site for a small professional office.

J. Langdell inquired about the number of required parking spaces and the area marked "12 ft." K. Roberge said that six (6) spaces are required. J. Levandowski confirmed that six (6) spaces and one (1) handicapped space are required. J. Langdell suggested that the note be revised to reflect that. K. Roberge said that the 12ft paved area was not intended to be called out to meet the parking needs at this point and the area next to it could be used for snow storage. Currently I manually mow the grass out there and I may be shoveling until we can afford a snow blower or get to a plow standpoint. C. Beer noted that the plan would need to be updated to add one (1) more parking space. K. Roberge stated that the handicapped spot was next to the 12ft area in front of the garage; however, she hasn't spoken to DPW regarding the striping and doesn't know how that will affect the parking. T. Sloan added that neither of those two spaces would comply due to the inability to back out, if the other spaces were full. P. Amato asked how one entered the garage. S. Roberge replied straight in from the road. A couple of options were suggested for the additional parking spaces that included using the 12ft area. J. Langdell inquired if there was a rule or limitation related to the distance from the doorway for handicap parking spaces. M. Ohlson said it was the closest available, but no specific distance. K. Roberge said she feels she was thrown for a loop because she thought she went through all the Development Regulations for the Office Use and we thought we were meeting the parking requirements. J. Levandowski clarified that six (6) spaces would be required for an 1,800 SF office based on three (3) spaces per 1,000SF plus one (1) handicap space for every twenty-five (25) spaces. S. Roberge said that they could add another space next to the other six as they do have the area for more parking.

J. Langdell inquired as to what type of office use was planned because staff comments mention that there will be no retail services or deliveries to the proposed professional office. K. Roberge said that they wanted to keep the building within the architecture and design of the home and don't feel it would be suited for anything such as that. We are currently in negotiations with a financial company. Our thought is to have something conducive to the neighborhood. We don't want to have a dumpster outside and plan on picking up the trash ourselves. We also own the house next to the Allstate building and we want to stay within the character of the area.

S. Duncanson inquired about the previous use because she thought the kitchen had been removed from the building. K. Roberge agreed that the kitchen was taken. J. Langdell said her recollection was that this was a residence that went to foreclosure and the people walked away; there was not a business use in there. K. Bauer asked why the kitchen was removed. K. Roberge answered that there is no kitchen, no cabinets, no counter, and no piping; no nothing. K. Bauer asked if anyone would be living in the house in addition to the office. K. Roberge replied no although they did consider that but she doesn't want to change much in the house. Someday she would like it to go back to its original state. S. Roberge added that the space works very well for offices, but someone could easily live there.

P. Amato noted that if this were on the other side of Nashua St, they would not need a special exception. J. Langdell said that was right and this is similar to Joe Raczek's optometry office, and the architectural firm next door.

T. Sloan asked about the screening requirements for buffers and said there may have to be some substantial plantings added to bring it up to regulations. J. Levandowski stated that the plan shows the existing landscaping. P. Amato said the GIS picture shows a lot of mature foundation plantings and asked if Dr. Raczek was asked to do this. J. Langdell brought up the rhododendrons that were cut back to do the repair work on the house. K. Bauer suggested that the applicant work with staff on the landscaping requirements. J. Langdell said it was a question on what is required and what we will allow, so we should be clear on what the expectations are. J. Levandowski read the regulations; Section 6.08.6 states a minimum of one (1) shrub for every five (5') feet of building frontage shall be provided and Section 6.08.5 states that A landscaped buffer shall be at least ten (10') feet in width and six (6') feet in height to effectively screen from adjacent properties and may consist of evergreens, berms, mounds, fencing or combinations thereof in conjunction with complimenting shrubs and perennials. K. Roberge said the entire property is fenced, but we don't have ten (10) ft to the house and asked for clarification if they would have to come back before the Board for a waiver because the house sits nine (9) ft from the property line. J. Langdell noted that there appears to be some hedges along the back line and asked who owned the hedges on the east side. K. Roberge said we do and inquired if they had to buffer to a private way. J. Levandowski said the regulations don't specify. P. Amato said he thinks it is more important to make it fit with the established neighborhood than to meet the letter of the ordinance, because they wouldn't have a side yard with all the required plantings. Our landscape ordinance should give the flexibility to make sure the abutters are protected and it's not there to just penalize the applicant. J. Langdell said personally she didn't think all the required screening would be needed here; we're not constructing a new building and this isn't a clean lot. T. Sloan said that we are changing the use to a professional office building in a residential area and it needs to look different while taking some consideration for the neighboring properties. The landscape ordinance is trying to provide an aesthetic there and it is very important to specify what is required. K. Roberge said she understood that but felt an office building is less impactful than residential and used the patio as an example. They are not looking to impact the abutters in any manner. T. Sloan said that since the applicant will have to come back after ZBA approval, they can work on the landscaping with staff and a brief discussion pertaining to process followed.

P. Amato said we are changing the use from abandoned to useful. K. Bauer said the use is changing to commercial with a parking lot, in a residential neighborhood and asked if there were any requirements for the Nashua and Elm Street Corridor for screening in the front for the parking lot. J. Levandowski said the Ordinance does not specify anything for the frontage, and then read Development Regulations Section 6.08.7. J. Langdell added that this plan is consistent with the overlay district because we do look for side parking as opposed to the front and was an issue that was brought up with the proposed ambulance facility which is also in the Nashua/Elm Street Corridor.

J. Langdell brought up DPW comments regarding sight distance and said that existing and proposed plantings should take that into consideration. It is very difficult to see coming out of Laurel St with the hedges. DPW just wanted to make sure we are all cognizant of the busy street and intersection and to make sure sight distance is appropriate; however, he also suggested things such as a stop sign, stop line and striping the driveway. T. Sloan said while those were good suggestions, he didn't think the burden should be on the applicant to incorporate those because there are no requirements to do so. J. Langdell said safety at that intersection is important, but in looking at the location in the context of the Nashua and Elm Street Corridor Overlay District and trying to help the applicant come up with the best practice and what fits the best, does a stop sign fit the best within the bigger picture? We are trying to balance and meet a multitude of different needs. S. Duncanson said none of the other professional buildings along that corridor have stop signs or even stop lines. The Board could only come up with a few examples of special directional requirements, two of which, Milanos and the Stonehouse, were due to special circumstances. P. Amato ended a brief discussion saying that the intention here is to keep the aesthetic look of a residential property and hopefully do a tasteful sign fits and doesn't deter from that. He doesn't see any

issues exiting the property, especially when people used to back out of that driveway when it was a residence. T. Sloan also noted that according to DMV regulations, one is required to stop before a sidewalk.

J. Langdell said that the Heritage Commission did say this was a good adaptive re-use of site and building plus in keeping with the changing neighborhood.

K. Bauer said she grew up in this town and she is so glad that you have taken this on; it is a big project, but it will be beautiful, so thank you. K. Roberge said that as she sat through the presentation of the Site Award, she hoped that maybe next year it would be us that you are giving it to. Even the design for the handicap ramp will be done conducive to the house so that it won't be noticeable. We really put a lot of thought into this and we will take good care of this property.

M. Ohlson said she would like to ensure that parking space #2 is a full 9'x 18' spot, especially if they are going to use that side 12ft, because a large car could take up that whole space. She would also like to make sure that the handicap space meets the required dimensions as there are none shown and that a sign would be required. P. Amato clarified that we require a wider space, but do not require a van accessible space. K. Roberge stated that space #2 was a 9'x18' space because it is paved to the left of the dotted line; existing conditions versus proposed site.

Chairperson Langdell opened discussion to the public;

J. Bower said she is the abutter across the street and has concerns with the number of parking spaces. Even though the seven (7) spots meet the regulations, what will happen when those spots are full and where will those people go? There is no parking on Nashua St and parking on Powers St is a nightmare. She went into detail about an ongoing civil matter with the three-family building next door at 395-397 Nashua St that has the required number of parking spots but her parking lot has become a communal parking lot for them because the tenants just park in her lot when those spaces are full. It's great that this building is going to be used but reiterated her concerns about the parking. What happens in the future, when this may not be a financial office, and the use changes or two businesses go in there and the traffic and parking increases?

P. Amato said if that other owner is not in compliance with their site plan, why can't we ask Code Enforcement to have them come back before us and discussion followed. J. Langdell suggested that Ms. Bower pursue this with the Community Development Office. K. Roberge added that while the proposed tenant may want to move on at some point, this is a long-term investment for us; we are grounded in this general area and plan on being here for a long time. We do have quite a bit of green space that if it came to it, we probably could add more parking.

J. Langdell stated that the parking, traffic and the business model are all valid concerns. K. Bauer added that the owner of this building just can't change the use. An office is permitted by special exception, but retail is not and that would require a variance from the ZBA.

Chairperson Langdell closed the public portion of the meeting.

P. Amato made a motion to table the application to the October 16, 2012 meeting. T. Sloan seconded and all in favor.

K. Roberge asked for some guidance with the landscaping. J. Langdell said that she should work with Jodie.

OTHER BUSINESS:

There was no other business and the meeting was adjourned at 9:00PM.

MINUTES OF THE SEPT 18, 2012 PLANNING BOARD PUBLIC HEARING APPROVED OCT 16, 2012